

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

BARTON E. PRINCE and ANGELA W.)

PRINCE,)

Plaintiffs,)

v.)

CIVIL ACTION NO. 08-00574-KD-N

U. S. BANK NATIONAL ASSOCIATION,)

et al.,)

Defendants.)

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issue raised, and a de novo determination of those portions of the Report and Recommendation to which objection is made, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. §636(b)(1)(B) is **ADOPTED** as the opinion of this Court. It is **ORDERED** that defendant's motion to dismiss be and is hereby **GRANTED** only as to Plaintiffs' retaliation claim under the Equal Credit Opportunity Act, 15 U.S.C. § 1691(a)(3), and is **DENIED** as to all other claims.

DONE this 14th day of September, 2009.

s/ Kristi K. DuBose

KRISTI K. DuBOSE

UNITED STATES DISTRICT JUDGE